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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF PORTLAND,

Defendant.

Case No. 3:12-cv-02265-SI

**FEBRUARY 2023 STATUS REPORT
OF THE ALBINA MINISTERIAL
ALLIANCE COALITION FOR
JUSTICE AND POLICE REFORM**

The Albina Ministerial Alliance Coalition for Justice and Police Reform (“AMA Coalition”) hereby submits its status report for the upcoming February 28, 2023 Status Conference.

INTRODUCTION

The AMA Coalition is imminently concerned about the slowness with which change and progress are occurring across the board. The AMA Coalition very much wishes its critiques did not sound like a broken record since it has very little new information to share

with the Court.

A. Court Monitor

The parties have been in confidential mediation sessions discussing the potential of a Court Monitor to oversee compliance with the Settlement Agreement. Despite requests to be fully involved in the Court Monitor design and selection process, the AMA Coalition has only been permitted to attend parts of the mediation sessions, and therefore has limited information and ability to comment on the status of the Court Monitor issue.

As stated in its report to the Court last November, the AMA Coalition believes a Court Monitor is necessary and advocates for swift implementation since the COCL will be resigning from his position mid-2023. The AMA Coalition reiterates that the Court Monitor should be from the Portland region, have a local office, and be required to interact with and take input from community members. As of the time of the writing of this report, the AMA Coalition is not confident that sufficient progress is being made toward prompt implementation of a Court Monitor and hopes for future mediation session(s) to be more fruitful.

B. Training Civilian Dean

In its last status conference report, the AMA Coalition sought for the implementation of the new training dean no later than February 2023; now the AMA Coalition seeks expedited and immediate implementation. The process is going far too slowly and the AMA Coalition has not received sufficient information about the current status of the training dean process.

Furthermore, the process has not involved sufficient community input. Although the AMA Coalition participated in the first interview panel, other community engagement such as public meetings with finalists as described by the COCL and community trainers, would be more meaningful.

C. Behavioral Health Unit Advisory Committee

The AMA Coalition maintains concern about the lack of community engagement by the Behavioral Health Unit Advisory Committee (BHUAC). Recently, the BHUAC voted that it does not have to address issues raised by the community at its quarterly public meetings. This trajectory will lead to less engagement from the community – the opposite of what it needs.

D. Portland Committee on Community Engaged Policing

The AMA Coalition remains supportive of the Portland Committee on Community Engaged Policing (PCCEP) and appreciates the PCCEP's community engagement. Unfortunately, there is still high turnover, and a lack of capacity and resources to meet the requirements of some paragraphs of the Agreement. Furthermore, new members have been participating in meetings without completing the full training and the amici have not been invited to train new members.

Because of the consistently high turnover and the great deal of work the PCCEP is expected to engage with, the AMA Coalition believes that City Council should authorize PCCEP to set its own quorum based on the number of seated members which will allow them to take action instead of waiting to have full or near full participation from all members. Historically, PCCEP has struggled to maintain steady numbers at its meetings, and such an allowance would grant the entity further flexibility. The City has pledged to fill empty seats in a timely way; yet only two of the four empty PCCEP seats were recently filled. If so, the worst that will happen is that the quorum rule is never invoked, but in the meantime, allowing the seated-member quorum and filling the seats is an ideal "both-and" situation.

Furthermore, the staff for the PCCEP should be supporting the PCCEP as requested, but should not be taking on all tasks for the PCCEP. The AMA Coalition believes it is important for

the PCCEP to be able to set its own agenda and draft its own documents. Lastly, the AMA Coalition maintains that a community organizer for outreach and engagement is necessary to PCCEP's success.

E. Body Worn Cameras

Despite over a year of discussion, with community groups stressing repeatedly the importance of community engagement, neither the AMA Coalition nor the Mental Health Alliance (MHA) have been involved in or substantively updated on the collective bargaining process and why it has taken so long. The City and the Portland Police Association (PPA) only recently declare an impasse, and submitted the issue of pre-review to interest arbitration, which will only lengthen the process. While at the time of this hearing, the City and PPA will be in the statutorily mandated "cooling" off period, the community has been awaiting a body worn camera (BWC) policy that provides assurances of accountability and oversight for years.

The AMA Coalition maintains its position that if body cameras are used by Portland Police, certain parameters must be met, as drafted and adopted by the AMA Coalition in 2015 and reiterated in Dkt. 288, at 3. Critically, the AMA Coalition strenuously opposes any BWC policy that allows officers to review footage before writing their reports. Body worn cameras are a tool for accountability and should be treated as such. The AMA Coalition believes a third-party Oregon company subject to Oregon law, who is not the manufacturer, nor any law enforcement entity should store the footage, to ensure access/storage and prevent tampering. While state law acknowledges the footage may be property of the Portland Police Bureau (PPB), the City and PPB may delegate responsibility for access and storage to another bureau such as the auditor's office. The AMA Coalition strongly urges the PPA and the City to agree to policies that are consistent with the AMA Coalition's stated principles.

F. Long Delays of the Slide Deck Investigation

As reported last November, the AMA Coalition remains extremely concerned that the investigations into the offensive and inaccurate training slides have only recently concluded and discipline given; the AMA Coalition only learned of this by the City's recent status report, filed on February 22, 2023. Dkt. 341. The status update reveals the investigation focused on one offensive slide only – the Prayer for the Alt Knight – and does not appear to address the other aspects of the slide deck that were highly offensive and legally inaccurate. Moreover, the discipline is still not truly final until any PPA grievances are exhausted. This demonstrates the glacial pace at which the City's accountability processes operate, and the often too-narrow focus, which by design often misses the bigger picture. The AMA Coalition further supports the MHA's position on this issue.

G. Police Accountability Commission

In January, the City Council responded to a unanimous request by the Police Accountability Commission (PAC) to align its end date with the order the court approved on April 29, 2022, extending the PAC's end date to October 29, 2023. The Mayor's office pulled off an agenda item that would have aligned those dates, but the City's filing indicates it still considers June 9, 2023 as the end date for PAC. AMAC urges the Court, the DOJ and the City to set the date as agreed upon by the PAC - October 29, 2023.

H. Portland Police Bureau Culture

Since the Kendra James case in 2003, the AMA Coalition has consistently pointed out that Portland's police culture fosters a "them against us" culture that produces officers who view themselves as warriors rather than guardians or peace-keepers, especially within the Black community, communities of color, and the mental health community. The failure to address this

wedge in the City of Portland will continue to produce the same results of mistrust, division, and polarization.

CONCLUSION

The AMA Coalition will continue to support transformative change within the bureau that will lead to the safety of all community members, and remains committed to bringing a community voice to this very important process. However, the AMA Coalition’s “voice” is becoming hoarse over the years as this case continues and serious and repeated concerns of delay and noncompliance are unresolved. Consistent with the AMA Coalition’s collaborative agreement with the DOJ and the City, the AMA Coalition agrees to advocate for the implementation of the Settlement Agreement and PCCEP reforms that the AMA Coalition supports and will oppose any attempts to weaken or dilute the Settlement Agreement and PCCEP reforms that it supports.

DATED: February 24, 2023.

Respectfully submitted,

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